IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

TRANSMITTAL FORM

In re Application of: O'Lenick

Serial No: Filed:

Ref: SIL-010

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir;

Please find enclosed the following components of an information disclosure statement:

1. PTO list of patents cited
2. Discussion under rule 98
3. Cited patents as follows; 5,210,133

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

Respectfully submitted;

Anthony J. O'Lenick, Jr.
Applicant
February 8, 2004
(678) 442-0210

Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	
Filing Date	
First Named Inventor	O'Lenick
Group Art Unit	
Examiner Name	
Attorney Docket Number	SILO10

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	U.S. Patent Document Number	Kind Code[2] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5210133		O'Lenick et al	05-11-1993	Entire Document

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Office[3]	Number[4]	Kind Code[5] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Unique citation designation number. [2] See attached Kinds of U.S. Patent Documents. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

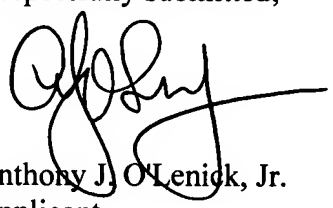
Discussion Under Rule 98

U.S. Pat. No. 5,210,133 to O'Lenick Jr, issued May 1993 discloses "novel series of silicone polyesters which are useful as delivery systems for a variety of hydroxyl containing active such as lanolin, cholesterol, dihydrocholesterol, Vitamin A, Vitamin D-2, Vitamin D-3, Vitamin D-4, Vitamin E, and panthenol. Compounds of the invention by are prepared by the esterification of (a) a hydroxyl containing silicone compound selected from silanol and dimethicone copolyol (b) a diacid and (c) a hydroxyl functional active selected from lanolin, cholesterol, dihydrocholesterol, Vitamin A, Vitamin D-2, Vitamin D-3, Vitamin D-4, Vitamin E, and panthenol; and optionally (d) a mono functional fatty acid. The polyesters of the present invention allow for the formulation of personal care products in which the "active" can be formulated into a variety of solvents without the loss of activity." These compounds are prepared by reacting hydroxyl silicones with hydroxyl containing vitamins, in the presence of diacids. A major problem with these products is based upon the fact that there is little group selectivity in the two types of hydroxyl groups reacted. This results in undesired homopolymers. Simply, there is a high concentration of vitamin cross-linked to another vitamin unit through a diacid linkage, and silicone cross-linked to silicone through a diacid group.

These undesirable by-products alter the properties of the compound. The cross-linked silicone molecule can cause gellation of the product. The vitamin cross-linked to another vitamin lacks water solubility and therefore results in products, which split into two phases. These problems have resulted in lack of commercial success of the products.

It was not until the current invention was it understood that the reaction of a silicone methyl ester with the hydroxyl vitamin that clear homogeneous cosmetically acceptable products could produced that do not split into two phases.

Respectfully submitted;



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